

REMARKS

After entry of the foregoing amendment, claims 1-49 are pending in the application. (Dependent claims 45-49 are newly added.)

The restriction requirements applied to claims 27 and 39 are respectfully traversed.

Claim 27 was earlier examined together with the other claims, and its only change has been rewriting into independent form by incorporating the limitations of prior parent claim 18. Likewise, claim 39 was earlier presented, and was amended to be independent.

MPEP § 821.03 permits restriction of claims “added by amendment following action by the Examiner, to an invention other than previously claimed.” Since claims 27 and 39 have not been added, and are not different than the invention previously claimed by these same claims prior to amendment, no restriction is believed to be warranted.

Reconsideration is requested.

Claims 18-21, 23-24 and 28 stand rejected as obvious over Barton (5,646,997) in view of Seth-Smith (4,890,319). Claims 22 and 25-26 are rejected over Barton and Seth-Smith, and other art.

As discussed in the last Amendment, Barton has limited utility. It cannot be used to reliably encode pixel image data that is thereafter JPEG processed. It cannot be used to reliably encode image data that is thereafter printed on paper (a process that significantly alters many bits of the original image representation). It cannot be used to reliably encode image data that is thereafter exposed onto emulsion film. Etc., etc. His arrangement requires that the encoded information be kept in its originally encoded, pristine digital form.

The Action now cites Seth-Smith, and urges that his teachings concerning reducing system errors caused by alterations be combined with Barton.

Seth-Smith relates to subscription television systems. As noted at col. 14, lines 61-68, his system represents a single bit of flag information as an eight bit byte, to render the detection and decoding process more robust to reduce overall system errors.

Seth-Smith conveys his flag bytes as teletext data, *in the vertical blanking interval of a video signal* (e.g., col. 7, lines 23-29).

Seth-Smith's teachings cannot be combined with Barton's image encoding teachings to yield the claimed arrangements. For example, claim 18 is directed to "a method of encoding a photograph." A photograph doesn't have a vertical blanking interval through which Seth-Smith robustly communicates.

Moreover, one of the objects of Barton's invention was to allow images and other electronic content to be *authenticated* (see, e.g., Barton's title, *Method and Apparatus for Embedding Authentication Information Within Digital Data*). That is, Barton wanted to be able to determine whether an image had been altered in any respect - which could evidence tampering (see, e.g., col. 1, lines 23-32). To do this Barton calculated a digital signature for the image, and conveyed it with the image (see, e.g., col. 3, lines 58-66). A recipient of the image could independently compute the digital signature using the same technique, and compare it with the one conveyed with the image. If they do not match, the recipient would conclude that the image had been tampered with (see, e.g., col. 8, lines 15-20).

If, as proposed in the action, Barton's technique were somehow modified to permit image alterations, then Barton's aim of authenticating that an image has not been tampered-with would be frustrated.

In view of such points, applicant respectfully submits that the obviousness rejections premised on Barton + Seth-Smith should be withdrawn.

(Because of the shortcomings of the obviousness rejection of claim 18, other points that might be made concerning these rejections, the art, and the claims, are not belabored.)

Claims 1-6, 9-16, 29-33 and 35-36 stand rejected as obvious over Barton and Seth-Smith, as above, and further in view of NEKO (webpage poster). Claims 6-7, 17, 34, and 37-38 stand rejected based on the just-cited three references in view of a fourth – Braudaway (5,530,759), or Tetrick (4,765,746).

These rejections suffer from the same shortcomings as discussed above in connection with Barton + Seth-Smith, as applied to claim 18.

Moreover, applicant respectfully submits that the rationales offered as allegedly motivating an artisan to combine the references in the manners asserted appear to be impermissibly based on hindsight, rather than a suggestion in the art.

Still further, the rationale offered in connection with claim 1:

to prevent the unauthorized use and distribution of a document (see Barton column 1 lines 45-51) and to reduce overall system errors (see Seth-Smith et al column 14 lines 61-68)

fails to address the “photocollage” and “plural photographic images” aspects of the rejected claims.

(Dependent claim 29 is included among the claims rejected over Barton/Seth-Smith/NEKO, and the rejection speaks of a photo collage. However, claim 29 depends from claim 18, and does not recite a photocollage.)

Again, in view of such shortcomings, other points that might be made concerning the cited rejections, the art, and the claims, are not belabored.

Claims 40-42 stand rejected as obvious over Barton and Seth-Smith, as above, and further in view of Conner (5,579,393). Claims 43-44 stand rejected over the same three references plus a fourth: Braudaway. (Connor relates to secure medical and dental record interchange.)

Again, these rejections suffer from the same shortcomings as discussed above in connection with Barton + Seth-Smith, as applied to claim 18. (Again, in view of such shortcomings, other points that might be made concerning the cited rejections, the art, and the claims, are not belabored.)

Favorable reconsideration and passage to issuance are solicited.

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